## REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-23 are currently pending. Claims 1-10 and 13-18 have been amended; and Claim 23 has been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-11 and 13-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,421,429 to Merritt et al. (hereinafter "the '429 patent"); and Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the '429 patent.

Applicants wish to thank the Examiner for the interview granted Applicant Avery Fong and Applicants' representative on March 4, 2004, at which time Claim 1 was discussed. At the conclusion of the interview, the Examiner agreed that the addition of the word "communication" to Claim 1 would likely overcome the outstanding rejection. However, no agreement was reached, pending the formal submission of a response to the outstanding Office Action.

Amended Claim 1 is directed to a computer program product comprising a computer storage medium and a computer program code mechanism embedded in the computer storage medium for controlling the combination of a communication protocol and a format used to communication event data between a remote receiver and at least one of a device, an appliance, an application, and an application unit. Further, the computer program code mechanism comprises: (1) a first computer code device configured to select the communication protocol to transfer event data between the remote receiver and the at least one of a device, an appliance, an application, and an application unit; (2) a second computer

code device configured to select a first format to transfer event data between the remote

receiver and the at least one of a device, an appliance, an application, and an application unit;

and (3) a third computer code device configured to determine, subsequent to the selection of

the communication protocol and the first format, if the communication protocol selected by

the first computer code device is compatible with the first format selected by the second

computer code device.

The '429 patent is directed to a system that enables a multitude of devices and

appliances to exchange image information using a variety of protocols and formats. In

particular, as shown in Figure 1, the '429 patent discloses that when a calling party 18

initiates an image communication to a called party 20, the file format and protocol used by

the calling party 18 is compared to the "preferred profile" of the called party 20 through a

look-up procedure in the network-based database 14. Further, the '429 patent discloses that if

the originating and terminating file formats match, then a direct communications channel is

established between the respective parties. Further, the '429 patent discloses that if the

originating and terminating image file formats do not match, the image communication

session manager 22 will perform the necessary file format and protocol conversions followed

by establishing a communication to the called party for communicating the converted file.[1]

However, Applicants respectfully submit that the '429 patent fails to disclose a third

computer code device configured to determine, subsequent to the selection of a

communication protocol and a format, if the communication protocol selected by a first

computer code device is compatible with the format selected by a second computer code

device. Rather, the '429 patent merely discloses a comparison of a sending format with the

preferred format of the receiver. Accordingly, Applicants respectfully traverse the rejection

of Claim 1 (and dependent Claims 2-11, 21, and 22) as anticipated by the '429 patent.

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[1] See column 3, lines 7-33 of the '429 patent.

Independent Claim 13 recites limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully traverse the rejection of Claim 13 (and dependent Claims 14-20) as anticipated by the '429 patent.

Regarding the rejection of Claim 12 under 35 U.S.C. § 103, for the reasons stated above for the rejection of Claim 1, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 12 should be withdrawn.
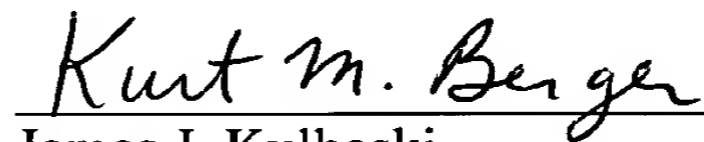
The present amendment also sets forth new Claim 23 for examination on the merits. New Claim 23 is directed to a device comprising means for selecting a communication protocol, means for selecting a format, and means for determining if the selected communication protocol is compatible with the selected format. Claim 23 is supported by the originally filed specification and does not add new matter. Further, new Claim 23 recites limitations analogous to the limitations recited in Claim 1. Accordingly, Applicants submit that new Claim 23 patentably defines over the '429 patent.

Thus, it is respectfully submitted that independent Claims 1, 13, and 23 (and all associated dependent claims) patentably define over the '429 patent.

Consequently, in view of the present amendment and in light of the above discussion,

the outstanding grounds for rejection are believed to have been overcome. The present

application is believed to be in condition for formal allowance. An early and favorable action

to that effect is respectfully requested.

Respectfully submitted,

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